

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION  
MINUTES OF THE  
SPECIAL MEETING – WEDNESDAY, JANUARY 3, 2024**

**CALL TO ORDER:**

The meeting was called to order at 5:15 PM.

**ROLL CALL:**

Present were Member Amie Espinosa-Gonzalez, Co-Chairman Sam Spann and Chairman Donald Schiffbauer. Also present were Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

**APPROVAL OF MINUTES:**

**Special Meeting Minutes of December 5, 2023  
Regular Meeting Minutes of December 11, 2023**

Chairman Schiffbauer asked if the Commission had any questions or revisions regarding the special meeting minutes of December 5, 2023 or the regular meeting minutes of December 11, 2023.

None were given.

Moved by Spann and seconded by Espinosa-Gonzalez to approve the special meeting minutes of December 5, 2023 and the regular meeting minutes of December 11, 2023 as presented.

A voice vote was taken and the motion carried.

Yes – 3            No – 0

**REPORTS:**

**UNFINISHED BUSINESS**

**Supplements to the Rule of Three**

Chairman Schiffbauer stated that the Commission had received a document from the Assistant Law Director prior to the meeting regarding supplements to the Rule of Three.

Assistant Law Director Morgan explained that the Rule of Three Ordinance that was passed would go into effect on January 17, 2024 with the effective retro date of 8/28/23 and that it stated that the Commission may recommend amendments, and that some amendments regarding the ‘Rule of Three would need to be discussed. She read from the document which stated that Rule VIII, Sect. 6, which specifically stated they followed ORC 124.44. She commented that they needed to add the language “except as otherwise indicated by these Rules and Regulations”. She explained that ORC 124.44 already stated that no competitive promotional examination shall be held unless there are at least two persons eligible to compete. Whenever a municipal or civil service township civil service commission determines that there are less than two persons holding positions in the rank next lower than the position to be filled, who are eligible and willing to compete, the commission shall allow the persons

holding positions in the then next lower rank who are eligible, to compete with the persons holding positions in the rank lower than the position to be filled. She stated that the rules also gave the option of a temporary appointment while re-testing, if needed. She discussed that in addition to the language to be added, there was a typo in the paragraph regarding Fire that needed to be changed from 124.44 to 124.45. She explained that regarding the Rule of Three, they needed to account for having less than three viable candidates. She stated that at a previous Civil Service meeting, examples of Rule of Three language and its implementation were viewed by the Commission. She stated that they were given language from Lakewood, Medina and Strongsville that addressed the eventuality of having less than three candidates. She added that the language was common to several of the examples provided from other municipalities and they would like for the Commission to consider, which was that after the examinations are scored and eligible lists created, if there are fewer than three names on an eligible list, the Commission shall certify them, in which case the appointing authority may appoint one or reject all. If the appointing authority rejects all names that eligible list shall terminate.

**Rule VIII Sect. 5 Temporary appointments**

Assistant Law Director Morgan explained that Rule VIII, Section 5, stated that in case of an emergency an appointment may be made without regard to the Civil Service Laws or the Rules of the Commission, but in no case to continue longer than one hundred and twenty (120) days and in no case shall successive temporary appointments be made; provided, however, that interim or temporary appointments, made necessary by reason of sickness, disability, or other approved leave of absence of the regular employee, shall continue only during such period of sickness, disability, or other approved leave of absence. She discussed amending it to, "shall successive temporary appointments be made and omitting "provided, however, that" interim or temporary appointments. She discussed that in the second paragraph it stated "Where the services to be rendered by an appointee are for such a temporary period, not to exceed one hundred and twenty (120) days, and the need of such service is important and urgent, the appointing authority may select for such temporary service any person and suggested omitting, "on the proper list of those" eligible for permanent appointment.

**ORC 124.44**

Assistant Law Director Morgan explained that we followed ORC 124.44 unless otherwise indicated and that it provided that we needed two people to hold a competitive examination. She explained that Rule VIII, Section 6 allowed them to go down into the next lower ranks to find eligible test takers. She discussed that current and possibly future shortages of applicants could cause them to end up without enough candidates to hold a promotional examination. She added that if that were the case, which was unlikely but possible, the City wanted the Commission to consider adopting one of the two rules she had presented to cover that. She explained that the first option opened up examinations beyond North Ridgeville and option two opened up their options even further. She stated that neither of those would be used unless all other options were exhausted. She read that option one was similar to what Avon Lake had in its' rules and that it stated "If the lists of all ranks are exhausted and there are not at least two qualified candidates willing to take an examination for promotion, suitably-qualified candidates not currently employed by the North Ridgeville Police Department may be eligible to take the promotional examination". She then discussed option two and said that it was similar to what Willoughby had in their rules and it stated that, "If the lists of all ranks are exhausted and there are still less than two eligible candidates available for taking a promotional examination, the Commission may elect to hold an open, competitive test including candidates not currently employed by the North Ridgeville Police

Department, or the appointing authority may make a temporary appointment pursuant to Section 6 of this Rule, or the appointing authority may make an appointment of a suitably- qualified lateral hire".

Chairman Schiffbauer expressed his concern regarding certifying the list of three and being able to chose one candidate versus certifying a list of two that the appointing authority could reject. He stated that he felt it should be consistent.

Chief Freeman discussed his concerns regarding the ability to reject the list if only two were certified and worried that it could become political. He stated that that was why the Civil Service Commission existed to prevent something like that from happening. He discussed not having a problem with the Rule of Three but had concerns regarding choosing one from a list of three and being able to not choose any from a list of two.

Chairman Schiffbauer asked about option two regarding lists and ranks being exhausted and the appointing authority making an appointment of a lateral hire and asked if that was through examination.

Assistant Law Director Morgan explained that the appointing authority may make a temporary appointment or may make an appointment of a suitably-qualified lateral hire without examination.

Chief Freeman stated that just because someone would hold a position in another police department shouldn't mean that they didn't have to test for a promotion as did everyone else. He mentioned that just because they worked at another department didn't mean that they would be a good fit for the City and that the examination process helped to determine that.

Chairman Schiffbauer discussed his hiring process and that there weren't any examinations given through the interview process.

Chief Freeman stated that the assessment portion helped in determining whether someone would fit in a promotional role and not relying solely on the written exam.

Chairman Schiffbauer stated that he felt the Rule of Three was a good thing in not having to just appoint the highest-ranking candidate because there was a big difference between someone who could memorize material and someone who was able to manage people.

Captain Jones stated that they had a probationary period and that newly promoted officers had to serve and get through that probationary period. He added that if there were a problem, it had better be routed out during that probation period. He mentioned that the Chairman was correct that there was a big difference between someone who could manage people and someone who could memorize material out of a book. He stated that they had to be able to do both and that was what the probationary period was supposed to show them and it was their opportunity to display that. He added that it was also where the assessment center, where the police professionals, would be making the recommendations. He stated that they would be looking for things that in the private sector weren't looked for but that was what they had to fall back on. He discussed that they couldn't forget that that probationary period was there for a reason.

Chairman Schiffbauer stated that what he said supported what he was thinking, which was that they would be certifying to the appointing authority three but now that they were only giving them two that passed the test, why could they reject it.

Captain Jones stated that he agreed with him.

Chairman Schiffbauer stated that that was the basis for his question that he didn't agree with being able to reject a list because there were only two viable candidates versus three.

Assistant Law Director Morgan stated that they were working within what was meant to be a meritocracy where the ones with the most merit on a test passed, went to the top and that person was selected. She explained that reality was that they didn't have as many people as they used to, so they were dealing with smaller numbers. She discussed that that was why there was a second test, to test for some of those qualities that weren't just test taking skills but also some management style or personality style and those sorts of things. She stated that they had to come up with some rules. She added that they couldn't just assume "that was the way I would do it, so this is what everybody was going to do" or "that everybody was corrupt" or "that people weren't going to try and do their best to make the best decisions". She commented that just because they may not agree with the decisions, they didn't need to assume that the motive behind making them was bad. She stated that she thought they had to give some people some credit in that area as well. She remarked that if they were going to pick one out of three to lead, then they would have to look at the other rules were necessary to look at the contingencies like, what if there weren't three, what would they do. She added that what if they had gone through everything and they hadn't gotten any more to test.

Chairman Schiffbauer stated that he appreciated Captain Jones talking about the probationary period, which made him think that even if they had one person that passed the test, they had six months to figure out whether or not they could fit the bill. He stated that for him, he had come to the conclusion that unless there was another perspective that he wasn't appreciating, he didn't like the rejection language. He stated that he understood what the Chief was saying regarding why the Civil Service Commission existed, to prevent the scenarios that he spoke of, but in reality, if they had three, two or one individuals that passed the mark who would then go through a six month probationary period and then they found out that they were very book smart but they didn't have the credibility or the trust of their team, they would find that out. He mentioned that he would assume that there were mechanisms to get them out of that role.

Chief Freeman stated that there was and that it couldn't be grieved.

Co-Chairman Spann stated that he agreed that it should be consistent. He remarked why three but not two and that it should be equal.

Assistant Law Director Morgan stated that it would be helpful to her if before they came back again, if they would email or text her their opinions or ideas or concerns so that it could all be looked up. She explained that they would be voted on next time.

## **NEW BUSINESS**

### **Retesting of Police Sergeant, Lieutenant & Captain Promotional written exams.**

Chairman Schiffbauer asked what all needed to be decided regarding the retesting.

Deputy Clerk of Council Wieber stated that the testing materials needed to be determined as well as what percentage of weight each chosen source material would have as there would be 100 points on the test. She stated that that was why the Police Chief and Captain were present, so that they could ask their opinions on the materials.

Chairman Schiffbauer stated that he had some comments and had brought some examples.

Assistant Law Director Morgan stated that they may want to start with one list at a time but the Chief and Captain ranked the materials for the Commission. She discussed that they may want to start with eliminating.

Chairman Schiffbauer stated that he had some perspective that he wanted to share with the Commission members. He discussed that in looking at the source material listed, he looked at it and saw the total number of pages in just Title 29 of the ORC was 658 and that the North Ridgeville Standard Operating Procedures were another number of pages and that there was a vast amount of testing material required of the officers to commit to memory. He commented that if they looked at the testing performance, the testing company went and out of 163 pages wrote 10 questions or the ORC had almost 1,400 pages and 15 questions were pulled from that material. He discussed a book that he had brought that was 478 pages and that college devoted an entire semester to learning that book. He mentioned another book that was 358 pages and that there was an entire semester devoted to learning that book as well. He stated that he wanted to be realistic in what their expectations were as far as what the officers were supposed to commit to memory. He commented that he wasn't discounting the information that was there but he thought that cell phones held the capability to look up, "What was the legal amount of cocaine one could have in their system". He said that it wasn't something that they had to commit to memory. He stated that he knew that some of that people got through job experience, like traffic laws and such but he questioned how reasonable it was to expect 15 questions from 1,400 pages. He stated that he thought when they gave them a month and a half to study, that it was a long time to study but he didn't really appreciate all of stuff that needed to be done. He commented that he didn't know what other municipalities were doing or the amount of material, but regarding the SOP's, he said that they should know that like the back of their hand. He said that there were sections of the ORC that he thought were applicable but that was why the Chief and Captain were there. He remarked that he appreciated them ranking the source material but in looking at it, just 1, 2 & 3, that was almost 1,600 pages of material.

Police Chief Freeman stated that he agreed with him 100% and that as they got older, they remembered less. He commented that he thought the job was being able to know where to find it. He said that he wondered if they gave everybody an ORC and the ability to find the information in the book. He commented that he grew up in a culture where it was all memorization before taking the assessment. He said that they would give them a big stack of books and they were supposed to memorize those books. He stated that he thought that was stupid. He stated that he wouldn't be opposed to for example, regarding the ORC's, if someone asked them a question and then yes, they knew where to find the information. He stated that regarding the SOP's, they were put on the computers inside the police cars because there were so many of them and that there wasn't any expectation that they could memorize them. He remarked that they just needed to be able to know where to find it and be able to pull it up quickly.

Chairman Schiffbauer stated that the job descriptions for each of them included knowledge of modern police work, knowledge of department rules and regulations, knowledge of court procedures, knowledge of criminal and traffic law. He stated that regarding knowledge of court procedures and that he thought he tried to toss out a bunch of those questions because he thought that that was stuff that happened in the court room and why should they be held accountable for that. He added that at the end of the job description it talked about investigative techniques and constitutional laws and knowledge of available resources. He asked if it was reasonable to think that while arresting someone saying, "Hold on, I have to

see how I can handcuff you or use or not use the auto-lock baton". He explained that there were some things that needed to be committed to memory. He stated that when they got the questions for the Captain's exam, he would then ask Captain Jones to tell them what was relevant for a Captain's test.

Assistant Law Director Morgan asked if that was where they were going to start because they did need to come up with source material to give to the testing agency so that they could make the tests so that they could move forward. She asked if they were going to start with Captain.

Police Chief Freeman stated that Captain Jones sat down at the request of Tina to go through certain sections of the ORC that they felt were pertinent to a Sergeant and pertinent to a Lieutenant. He commented that there were certain sections in there that they used all the time and listed several sections that they decided to pull from. He mentioned that he wasn't worried about things like marking tires but rather things that were specific to the position. He stated that using the entire ORC was ridiculous.

Member Espinosa-Gonzalez asked if it were 100 questions or 100 points.

Assistant Law Director Morgan stated that it was the same.

Deputy Clerk of Council Wieber stated that that was the material that the testing agency would pull questions from, whatever the Commission decided to keep for the retest.

Assistant Law Director Morgan stated that they needed to eliminate quite a bit of the material. She stated that the Chief and Captain were the experts and they would need to guide as to what was the most important and what wasn't.

Chairman Schiffbauer asked if they could just go down the list and they state whether or not it was important to keep.

Police Chief Freeman stated that he and the Captain had discussed adding the contracts because a supervisor needed to know the contracts and gave the example of someone calling in sick and what happened in the computer system and things of that nature that would add a little bit more credibility to the position they were applying for Lieutenants and Sergeants because they had to work within that contract on a daily basis. He asked if they could add it to the list because it would be a great resource regarding something that they would be using.

Assistant Law Director Morgan stated that they only had 100 points on the test and were very limited. She asked what was the most important source material on the list.

Chairman Schiffbauer stated that starting with the Sergeant's list, on that list the highest priority was the ORC Title 29, which was 1,300 pages and the Chief pulled out Sections 2903, 2907, 2911, 2913 and 2919. He said that that total was 700 pages and of that information they could pull 15 questions from it.

Assistant Law Director said that they could pull any amount and that it could be more and was flexible. She advised not use all the questions from one item with only 100 on the exam. She stated that that was part of what they were going to have to decide, how many questions did they want from Title 29 and those sections.

Chairman Schiffbauer asked if they could start with three references for them to pull the questions from. He stated that in looking at the Sergeant and Lieutenant's ranking of material list that Effective Supervisory Practices was dead last. He said it was followed by Managing and Leading Today's Police, then Search & Seizure Survival Guide and then Criminal Investigation. He asked if it was safe to assume that if they had 100 questions only, that they should be limiting those 100 questions to the top three.

Police Chief Freeman said that he wouldn't do any more than three books.

Chairman Schiffbauer explained that when they said books, they were really talking about Ohio Revised Code Title 29, Ohio Revised Code Chapter 4511, Traffic Laws and then North Ridgeville Standard Operating Procedures.

Police Chief Freeman stated that that was good with him.

Deputy Clerk of Council asked if there would be no books.

Chairman Schiffbauer said, no books.

Assistant Law Director Morgan asked if that made sense to him.

Police Chief Freeman stated that they were all elements of the job.

Assistant Law Director Morgan asked if there was anything that they were missing.

Police Chief Freeman asked if they could put the contract in there. He said that he thought it would be a great tool, so that if they didn't pass, they would still learn something about the contract.

Chairman Schiffbauer asked why not make it open book.

Assistant Law Director Morgan explained that it was a competitive examination and that there had never been an open book.

Chairman Schiffbauer asked if it was never an open book or that it couldn't be an open book.

Assistant Law Director Morgan stated that she didn't think that it could be. She said that she would look into it but that she didn't think it could be. She said that they had limited time and she would have to talk to the testing company to see if they had ever done it that way but that it presented a lot of new issues that had not been resolved yet.

Co-Chairman Spann stated that since they were reducing the source material greatly, he didn't believe they needed open books.

Assistant Law Director Morgan stated that she was kind of surprised that they didn't need some sort of text book information that covered a lot of areas.

Chairman Schiffbauer stated that that would be easy if there were one text book that covered everything.

Member Espinosa-Gonzalez asked about going back to the basics and keeping it simple like what they were taught in the Academy.

Police Chief Freeman stated that it was one step above that. He said he agreed with what she was saying but with the day-to-day work, there was so much material that they needed to know. He said that they weren't memorizing much of anything anymore.

Chairman Schiffbauer commented that he would look up the policy and procedure and would follow it that way. He stated that he didn't commit anything to memory.

Police Chief Freeman stated that that was more realistic but like the Assistant Law Director stated, he didn't know if that was allowed. He stated that as far as a text book went, if they were looking for relevant information that would be used on a daily basis, they didn't go to text books. He said they almost had to go back to the raw basics that they used everyday in the position that they had. He mentioned that he had never been to the library for his job.

Captain Jones stated that he didn't go to a text book on how to deal with people and that sometimes he swung and missed.

Police Chief Freeman stated that that was where the second part of the test would pick that up, because they had to think on their feet.

Chairman Schiffbauer stated that regarding Ohio Revised Code Title 29, there were a lot of sections there and that he wanted to see it narrowed down. He stated that he thought 1,000 pages was too much if they were going to give them a month to study at most.

Member Espinosa-Gonzalez said that she didn't think it was at most a month but at least a month to study.

Assistant Law Director Morgan said that they were promotional people, so some of the material they would probably already know.

Co-Chairman Spann stated that some of it should be known and it shouldn't be as if they were just learning it like they were a freshman in college. He said that they should know some of that already.

Chairman Schiffbauer stated that if they included that material, that the amount of time to study and the amount of material should be directly proportional. He commented that he thought 1,000 pages of material in a month's time was too much.

Co-Chairman Spann stated that they could give them as long as they wanted to study.

Assistant Law Director Morgan asked how much time they had.

Deputy Clerk of Council Wieber said, the temporary appointment time.

Police Chief Freeman stated that Adam Freas retired that day and that the Captain was retiring next.

Assistant Law Director Morgan remarked that they had a 120-day temporary appointment time limit, to get it all done in.



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Police Chief Freeman stated that that was correct. He added that he was down a Lieutenant and was moving Sergeants into Lieutenant positions.

Assistant Law Director Morgan stated that they didn't want to short change what they were going to end up with. She asked if they were just looking at 1,2 & 3 on the list for Sergeant and Lieutenant. She remarked that they were very similar.

Chief Freeman stated that he didn't want to get involved in the Civil Service process but as they were aware, they had to pick relevant questions and he had heard that had been resolved.

Assistant Law Director Morgan stated that they weren't going to pick questions.

Chairman Schiffbauer stated that they had to pick relevant material.

Chief Freeman stated that there would need to be someone in the testing process to make sure that they wouldn't be asking an irrelevant question regarding fraud or theft.

Deputy Clerk of Council Wieber stated that it would all be reviewed prior to the examination being given. She explained that former Police Chief Gene Rowe from OACP would be reviewing each examination.

Assistant Law Director Morgan stated that the Commission would pick materials that they felt good about and they would pick a timeframe for them to study. She asked when they wanted to give the test.

Chairman Schiffbauer stated that the Chief knew what the capacity was for his team and that the Commission wanted to make sure that they gave the candidates ample time to study at a minimum of 30 days.

Chief Freeman said that he thought it would depend on what information they expected them to digest and that it had to be relevant.

Co-Chairman Spann asked if they went with the Chief's recommendation and used certain parts of the ORC and the SOP, what he would say would be a reasonable time.

Captain Jones asked if the testing company had given a timeframe regarding creating a new test.

Deputy Clerk of Council Wieber stated that they had not given a timeframe but they did have all of the material. She stated that the assessment portion by OACP, that would need to be done by mid-March.

Chairman Schiffbauer commented that it would be February and that 45 days was six weeks. He asked about the subsections under Title 29 and asked what were their priority ones because 700 pages was a lot of information.

Chief Freeman stated that they picked the three bottom ones.

Assistant Law Director Morgan asked if that was 11, 13 and 19.

Chairman Schiffbauer stated that for the Sergeant and the Lieutenant's exams it was Ohio Revised Code,

Title 29, Sections 2911, 2913 and 2919. He stated that there was also Ohio Revised Code 4511, Traffic Laws and also North Ridgeville SOP's and would also add the contract. He stated that their next task was to assign how many questions from each.

Assistant Law Director Morgan commented that they could do a range and could take any number one.

Chairman Schiffbauer stated that there were four sections which were, Title 29, Chapter 4511, the SOP's and the union contract. He discussed that they could just do it at 25% each or they could divvy it up differently.

Chief Freeman stated that he liked that because then they could see where their strengths were, short comings were and use the data from the test to ascertain where they needed to do better.

Assistant Law Director Morgan asked if it would be 25 questions from each source.

Chairman Schiffbauer stated that that was correct. He stated it would be 25 questions from Title 29, Sections 2911, 2913 & 2919 and 25 questions from Section 4511, 25 questions from the SOP's and 25 questions from the contract.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to include on the Sergeant's and Lieutenant's exams Ohio Revised Code, Title 29, Sections 2911, 2913 & 2919 of which from those three sections they will select 25 questions total and also utilize Ohio Revised Code Chapter 4511 and select another 25 questions, North Ridgeville Standard Operating Procedures and selecting 25 questions from those and 25 questions selected from the Blue/White CBA effective 2021 to 2023.

A voice vote was taken and the motion carried.

Yes – 3            No – 0

Chairman Schiffbauer stated that the Chief ranked the sources for the Captain's exam as Effective Supervisory Practices, Managing and Leading Today's Police, North Ridgeville Standard Operating Procedures and the two contracts.

Chief Freeman stated that the two contracts would be fine.

Chairman Schiffbauer asked if that was because by now the Sergeants and Lieutenants and frontline staff should be handling all of the ORC and traffic laws types of things.

Captain Jones stated that that was a secondary function.

Chairman Schiffbauer asked if there were any questions regarding the materials that he just mentioned.

None were given.

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Moved by Schiffbauer seconded by Spann to include on the Captain's exam Effective Supervisory Practices, Fifth Edition, ICMA Press, of which 25 questions will be selected, the second source material would be Managing and Leading Today's Police, of which 25 questions will be selected, the third source material will be the North Ridgeville Standard Operating Procedures, of which 25 questions will be selected and 25 questions will be selected from the Blue/White and Gold CBA's that were effective 2021 to 2023.

A voice vote was taken and the motion carried.

Yes – 3            No – 0

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to open public comment.

A voice vote was taken and the motion carried.

Yes – 3            No – 0

None were given.

Chairman Schiffbauer stated that the next regular Civil Service Commission meeting was scheduled for 5.00 PM on Monday, January 22, 2024.


Moved by Spann and seconded by Espinosa-Gonzalez to adjourn the meeting.

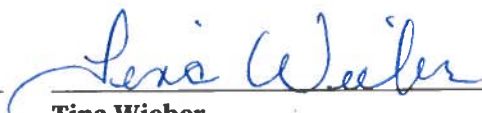
A voice vote was taken and the motion carried.

Yes – 3            No – 0

**ADJOURNMENT:**

The meeting was adjourned at 6:20 PM.

  
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**Donald Schiffbauer**  
Chairman

  
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**Tina Wieber**  
Deputy Clerk of Council, Recording Secretary

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Monday, January 22, 2024  
**Date Approved**